

### Remarks

Claims 1-20 are pending in the application. Claims 1-20 were rejected under 35 USC 102(b) as being anticipated by Vaziri et al. (WO 98/37665).

Vaziri teaches an Internet Switch Box (ISB) that allows a caller and a called party on a PSTN call to determine that they can connect over a data network, terminate the PSTN call by pressing a button and then reconnecting the call over the data network.

In contrast, the invention as claimed provides a destination phone to detect that the call identifier indicates that the call could be completed over a data network prior to ringing or alerting the user, generates a rejection signal in the phone itself, not by the user pressing a button, from which both phones then automatically place calls to their ISPs to connect over a data network.

As amended claims 1 and 14 require that the destination phone be capable of identifying the call as being capable of being connected over a data network. In Vaziri, that determination is made by the users, not by the phones.

As amended, claims 6 and 17 require that the destination phone generate the rejection signal, in contrast to the system of Vaziri where the rejection signal is generated by the user pressing a button.

As amended, claims 11 and 20 require that the phone be capable of generating a call identifier that identifies the call as being capable of being connected over a data network and that the detector be capable of identifying the call as such from the call identifier.

In addition, the term call completion has been more clearly defined as prior to ringing or alerting the user. As the Examiner stated, this is a source of confusion as to how the term 'call completion' is interpreted. Applicant believes that this amendment to the specification and claims overcomes that confusion.

As Vaziri does not teach the elements of the claims as discussed above, it is therefore submitted that claims 1, 6, 11, 14, 17 and 20 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 2-5, 7-10, 12-13, 15-16 and 18-10 inherently contain all of the limitations of their respective base claims. As discussed above, the prior art does not teach, show nor suggest all of the limitations of the base claim, much less the further embodiments of the dependent claims. It is therefore submitted that these claims are patentably distinguishable over the prior art and allowance of these claims is requested.

The prior art made of record and not relied upon has been reviewed and is not considered pertinent to the Applicant's disclosure. Lee, WO 98/11704, is directed to other approaches of performing calls via a data network, but does not disclose or suggest the invention as claimed.

### Conclusion

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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